

Message Text

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ACTION OES-07

INFO OCT-01 AF-10 ARA-10 EUR-12 EA-10 ISO-00 L-03
NEA-10 IO-13 ACDA-12 COME-00 TRSE-00 INT-05 NSF-01
CIAE-00 DODE-00 INR-10 NSAE-00 PA-01 USIA-06
SP-02 DOE-11 SOE-02 CEQ-01 CG-00 DOTE-00 /127 W
-----089426 180748Z /11

R 171614Z FEB 78
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC 8006
INFO AMEMBASSY CANBERRA
AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY PRETORIA
AMEMBASSY OSLO
AMEMBASSY SANTIAGO
AMEMBASSY TOKYO
AMEMBASSY WARSAW
AMEMBASSY WELLINGTON

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E.O.11652: N/A
TAGS: EFIS, TGEN, PLOS, SENV, PORG, XV, AS, UR, US, AR, CI
SUBJECT; ANTARCTIC TREATY; SPECIAL CONSULTATIVE MEETING ON
MARINE LIVING RESOURCES

REFS: (A) CANBERRA 1028, (B) STATE 31196, (C) 77 MOSCOW
18590 (NOTAL)

1. ON FEBRUARY 15 SCICOUNS MET WITH HEAD OF MFA TREATY
AND LEGAL DIVISION KHLESTOV TO DISCUSS PREPARATIONS FOR
SPECIAL CONSULTATIVE MEETING ON MARINE LIVING RESOURCES,
TO BE HELD IN CANBERRA FEBRUARY 27-MARCH 15.

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KHLESTOV, WHO WILL HEAD SOVIET DELEGATION TO THE TALKS,
SAID HE PLANNED TO ARRIVE IN CANBERRA ON FEBRUARY 25
AND HE EXPRESSED DESIRE TO MEET HEAD OF US DELEGATION,
DEPUTY ASSISTANT SECRETARY BREWSTER BEFORE THE
FORMAL OPENING OF THE TALKS. KHLESTOV ALSO SAID SOVIET
DELEGATION WILL CONSIST OF HIMSELF, V. GOLITSYN, MFA; AND
MESSRS. MOISEYEV AND ZALANOV OF THE MINISTRY OF FISHERIES.

(BREWSTER LETTER TO KHLESTOV, DATED FEBRUARY 8, ARRIVED IN EMBASSY SHORTLY AFTER MEETING WITH KHLESTOV. WE WILL TRANSMIT LETTER TO KHLESTOV ASAP.)

2. KHLESTOV GAVE SCICOUNS ENGLISH AND RUSSIAN VERSIONS OF SOVIET DRAFT OF CONVENTION FOR THE CONSERVATION OF MARINE LIVING RESOURCES, WHICH HE SAID HAD ALSO BEEN SENT TO CANBERRA FOR DISTRIBUTION THERE. (WE ARE POUCHING SOVIET DRAFTS TO DEPUTY ASSISTANT SECRETARY BREWSTER, REGISTRY NO. 952709. WE HAVE ALSO RECEIVED COPIES OF SOVIET DRAFT CONVENTION FROM AUSTRALIAN EMBASSY HERE.

3. KHLESTOV NOTED THAT THE SOVIET DRAFT WAS BASED ON TWO FUNDAMENTAL PRINCIPLES: 1) THE CONVENTION SHOULD BE FULLY CONSISTENT WITH THE ANTARCTIC TREATY, AND 2) THE CONVENTION SHOULD SUPPORT THE PRINCIPLE THAT THE SEA SOUTH OF THE SIXTIETH PARALLEL IS "INTERNATIONAL WATER."

4. KHLESTOV ALSO CALLED SCICOUNS ATTENTION TO THE FOLLOWING SPECIFIC ASPECTS OF THE SOVIET DRAFT: TERRITORIALITY: KHLESTOV EXPRESSED THE FIRM SOVIET POSITION THAT TERRITORIAL ASPECTS OF THE CONVENTION SHOULD BE BASED ON ARTICLE FOUR OF THE ANTARCTIC TREATY, AND THAT NO STATE SHOULD BE ALLOWED TO USE THE CONVENTION TO PUT FORTH NEW TERRITORIAL CLAIMS IN THE ANTARCTIC OR TO RESTATE OLD ONES. KHLESTOV SAID SOVIETS WOULD NOT SIGN A LIMITED OFFICIAL USE

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CONVENTION CONTAINING SUCH TERRITORIAL CLAUSES, WHICH HE NOTED WOULD LEAVE SOVIETS COMPLETELY FREE TO EXPLOIT MARINE LIVING RESOURCES OF THE ANTARCTIC. KHLESTOV FURTHER NOTED THAT THE DRAFT CONVENTIONS PUT FORWARD BY ARGENTINA AND AUSTRALIA CONTAINED CLAUSES WHICH VIOLATED THIS PRINCIPLE OF "NON-TERRITORIALITY;" A POSITION THAT HE SUSPECTED CHILE WOULD ALSO ADOPT. KHLESTOV COMMENTED THAT SOVIETS PLAN TO APPROACH ARGENTINA AND AUSTRALIA ON THIS ISSUE BEFORE THE CANBERRA MEETING AND HE SUGGESTED THAT US ALSO APPROACH THESE COUNTRIES, AS WELL AS CHILE, WHICH HE NOTED WOULD BE IMPOSSIBLE FOR SOVIETS TO CONTACT BECAUSE OF ABSENCE OF DIPLOMATIC RELATIONS.

AREA OF APPLICABILITY: KHLESTOV NOTED THAT SOVIET DRAFT STATED THAT THE CONVENTION SHOULD APPLY TO ALL

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R 171614Z FEB 77

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TO SECSTATE WASHDC 8007

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STATED THAT THE CONVENTION SHOULD APPLY TO ALL
TERRITORY SOUTH OF 60 DEGREES S. LATITUDE, IN ORDER TO
PRESERVE CONSISTENCY WITH THE ANTARCTIC TREATY.
HOWEVER, KHLESTOV INDICATED THAT THE SOVIETS ARE FLEXIBLE
ON THIS ISSUE AND ARE PREPARED TO CONSIDER OTHER
APPROACHES. KHLESTOV NOTED THAT ANTARCTIC MARINE
ORGANISMS SOMETIMES STRAYED BEYOND SIXTIETH PARALLEL,
AND HE EXPRESSED SOVIET WILLINGNESS TO CONSIDER
ALTERNATIVE APPROACH TO DEFINING AREA OF APPLICABILITY,
WICH WOULD TAKE INTO ACCOUNT NORMAL RANGING
PATTERNS OF ANTARCTIC MARINE ORGANISMS.
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QUOTAS: KHLESTOV NOTED THAT AT PRESENT ONLY THE USSR,
JAPAN, AND POLAND ARE IN A POSITION TO EXPLOIT MARINE
LIVING RESOURCES IN ANTARCTIC. SOVIET DRAFT PROVIDES
FOR SCIENTIFIC COMMISSION TO ESTABLISH TOTAL QUANTITY OF
ANY SPECIES TO BE HARVESTED (ON THE BASIS OF SCIENTIFIC

RESEARCH). THIS AMOUNT WILL THEN BE DIVIDED BY THOSE NATIONS WHICH ARE PREPARED TO EXPLOIT THE RESOURCES, "TAKING INTO ACCOUNT THE TRADITIONS AND SCOPE OF THE HARVESTING OF PARTICULAR SPECIES IN THE ANTARCTICA BY THE COUNTRY CONCERNED AND ITS CONTRIBUTION TO SCIENTIFIC RESEARCH."

LAW OF THE SEA: KHESTOV NOTED THAT SOVIET TEXT IS CONSISTENT WITH THE "COMPOSITE TEXT" OF THE LAW OF THE SEA CONVENTION.

5. SCICOUNS NOTED THAT MINISTRY OF FISHERIES HAS RECENTLY INFORMED US THAT "CERTAIN DIFFICULTIES" HAVE ARISEN IN CONNECTION WITH OUR REQUEST FOR INFORMATION ON SOVIET FISHERIES ACTIVITIES IN THE ANTARCTIC (REF C).O KHESTOV SAID SOVIETS CANNOT PROVIDE SUCH INFORMATION AT THIS TIME. HOWEVER, HE DID NOT RULE OUT THE POSSIBILITY THAT SOVIETS WOULD AGREE TO EXCHANGE FISHERIES INFORMATION DURING THE COURSE OF THE NEGOTIATIONS ON THE CONVENTION. HE CLAIMED THAT WHEN THIS QUESTION HAD ARISEN DURING NINTH CONSULTATIVE MEETING IN LONDON, SOVIETS HAD NOT REFUSED TO EXCHANGE INFORMATION BUT HAD POINTED OUT THAT MODALITIES OF SUCH AN EXCHANGE HAD TO BE CAREFULLY CONSIDERED. KHESTOV EXPRESSED PARTICULARLY STRONG DISENCLINATION TO EXCHANGE SUCH INFORMATION THROUGH FAO, WHICH HE SAID HAD BEEN PROPOSED DURING NINTH CONSULTATIVE MEETING IN LONDON. KHESTOV ALSO ASKED WHETHER LIMITED OFFICIAL USE

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THE US WOULD BE WILLING TO EXCHANGE INFORMATION ON INTENTIONS AND ACTIVITIES WITH RESPECT TO MINERALS RESOURCES EXPLOITATION. MATLOCK

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